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FLEISCHER, MARK A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/694,502

Applicant(s)

BOWLER, STEVEN B.

Examiner

MARK A. FLEISCHER

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-23 is/are rejected.
7) ☒ Claim(s) 4, 19-21 and 23 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date 24 October 2003.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application.
6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the Application filed on 24 October 2003.
2. Claims 1–23 are currently pending and have been examined.

Priority

3. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Information Disclosure Statement

4. The Information Disclosure Statement filed on 24 October 2003 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. The flow-chart of Figure 2 does not contain any reference numbers and do not contain proper labels for decision points, such as 'yes' or 'no' conditional branch labels. Consequently, these drawings do not properly illustrate the claimed invention or illustrate the **method steps** of the claimed invention. Note, every element of the claimed invention must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
6. Figure 1 should be designated by a legend such as –Prior Art– because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are

required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

7. Claim 14 is objected to because of the following informalities: the word *programed* is misspelled. Appropriate correction is required.
8. Claim 19 is objected to because of the following informalities: the phrase *operative for graphically display* appears to have a typographical error and should read *operative for graphically displaying*. Appropriate correction is required.
9. Claims 20 and 21 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. These claims are directed to different

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statutory classes and so do not further limit their respective parent claims. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

10. Claim 23 is objected to because of the following informalities: the word *interdependency* is repeatedly misspelled in the claim language. In addition, the claim states that a *modification ... is operable to display...* This appears to be a grammatical error. Appropriate correction is required.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

12. Claims 1–3, 10, 11, 19 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims of “[t]he present invention [are] directed to a scheduling system that establishes cross-program dependencies...” (Specification [0014]), but there is no description in the specification or the claims as to how the ‘system’ establishes these dependencies. In fact, the specification indicates that it is the program managers that establish these dependencies—there is no description of how the system accomplishes this action. More generally, the disclosure describes features of the invention rather than the enabling methods.
13. Claim 23 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claim language suggests (per

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the claim objection above) that a *modification...is operable to display an effect...*, but no method steps are indicated in the claims or the specification describing the actions that render it *operable*.

14. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

15. Claims 1-10 recites the limitation "said method." There is insufficient antecedent basis for this limitation in the claim.
16. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant employs the phrase *with electronic notification* in conjunction with *fixed duration scheduling*, but it is unclear what information and to whom the *electronic notification* pertains. It is thus vague and indefinite. For purposes of examination, Examiner interprets this to mean that some tasks have an anticipated or expected duration and hence, an expected finish time, and that *electronic notification* pertains to notification to responsible entities, such as managers, that a given task start time may need to be modified.
17. Claims 2 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant uses the terms *contingency data* in these claims, but does not define these terms in the specification, nor is their meaning apparent from the context of the claims. Such *data* relating to some *contingency* could mean virtually anything that affects a program's outcome or evolution. Thus, these claims are vague and indefinite. For purposes of examination, Examiner will interpret this phrase as simply meaning data that affects the timeline of a program or project.
18. Claims 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims are drawn to statutory classes that are different from their respective parent claims and so are confusing as to the types of invention they pertain to.

Claim Rejections - 35 USC § 101

19. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

20. Claims 20 and 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Independent claim 19 is directed to a system, whereas claims 20 and 21 are directed to a method.

21. Claim 22 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The *computer-readable medium having computer-executable instructions* of Claim 23 is not a process, machine, manufacture, or composition of matter, or any improvement thereof. Replacing *computer-readable medium having computer-executable instructions* with "a computer-executable program tangibly embodied on a computer readable medium" is a suggestion for how to bring this claim into compliance with 35 U.S.C. 101 because "a computer-executable program tangibly embodied on a computer readable medium" is statutory subject matter.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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- a. Determining the scope and contents of the prior art.
- b. Ascertaining the differences between the prior art and the claims at issue.
- c. Resolving the level of ordinary skill in the pertinent art.
- d. Considering objective evidence present in the application indicating obviousness or nonobviousness.

24. Claims 1–6, 10–14, 16, 19, 20, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robson (US 7330822 B1) in view of Pollalis (US 5016170 A).

Claim 1–3, 10, 11, 19 and 22:

Claims 1–3, 10, 11, 19 and 22, although worded and/or structured differently, have almost identical scope, hence the limitations that are common to them are addressed together. The limitations that are different in scope are addressed separately below. Robson, as shown, describes and/or discloses the following limitations:

- *identifying activities from a plurality of programs* (Robson, in at least the abstract states: "A method of managing a project including a hierarchy of tasks may include defining and storing tasks," (emphasis added) where 'defining...tasks' corresponds to *identifying activities* and in at least [0020] refers to "multiple projects" which correspond to a *plurality of programs*);
- *establishing interdependencies between said activities* (Robson, in at least [0011] states "Other dependency relationships may be defined and implemented within the context of the present invention [...] (emphasis added) where 'defining dependency' equates to *establishing interdependencies...*); and
- *graphically displaying said interdependencies of said activities in a computerized schedule available to multiple program managers such that modification of one of said interdependent activities updates said schedule of said activities* (Note, Examiner interprets this last limitation as having identical scope as the last limitation in **claim 10**. Robson, in at least [0013] states: "This ability [...] not only enables project managers to manage [...]" (emphasis added) where the text refers to *multiple program managers* that are 'enabled', hence where the *schedule [is] available*. Robson also refers to the "project schedule" where it is "viewed as a computer system configured for managing a

project...", hence corresponds to a *computerized schedule*. Robson further states in at least [0007]: "What are needed, [], are [...] tools that enable project contributors to dynamically update the project definition and timeline." (emphasis added) where this pertains to the 'modification of activities' and the 'update' of the related 'schedule'. In claim 10, the modified schedule corresponds to the *impact of a schedule*.)

Robson does not specifically disclose *graphically displaying said interdependencies*, but Pollalis, as shown does. In at least the abstract, Pollalis states: "[I]nformation about dependencies in the performance of the tasks are indicated graphically on the display."

With respect to the limitation of **claim 2** not common with those of claim 1, Robson, as shown, describes and/or discloses the following limitation.

- *storing said contingency data and said interdependency data of said activities in a database* (Robson, in at least [0010] states: "[I]n a project that includes a plurality of interdependent tasks, [...] the database storing: a definition of a first and a second task, a status associated with each of the first and second tasks, and a first dependency relationship between the first and the second task []" (emphasis added) where the 'database' stores the 'interdependent tasks' and the 'dependency relationship'. Note further that where there is a dependency relationship, there is, *ipso facto* associated *contingency data*.)

Robson does not specifically disclose *graphically displaying said interdependencies*, but Pollalis, as shown does. In at least the abstract, Pollalis states: "[I]nformation about dependencies in the performance of the tasks are indicated graphically on the display."

With respect to the limitation of **claim 3** not common with those of claims 1 and 2, Robson, as shown, describes and/or discloses the following limitation.

- *viewable by multiple program managers* (Robson, in at least [0007] states: "What is also needed are methods and systems to enable potentially widely disseminated project contributors to update the status of their assigned task [and] accurately describes the current status of the entire project and its constituent tasks [...]."

(emphasis added) where 'project contributors' corresponds to *multiple program managers*. Robson, in at least [0024] further states: "[T]he Web-enabled application embodying the present invention may maintain a selectively and remotely accessible graphical representation [...] Such graphical representation is preferably selectively truncated, masked or otherwise customized, depending upon the permission of the person requesting access thereto [...] an identity of one or more entities (project team, a project member, a subcontractor and a vendor, for example) allowed access to and/or having responsibility [...]" (emphasis added) where the 'allowed access' of one 'having responsibility' corresponds to *program managers* that view the 'graphical representation', hence is *viewable* as per the limitation.)

With respect to the limitations of **claim 11** not common with those of claims 1–3 or 10, specifically, the phrase *viewable and modifiable by multiple program managers across a network*, Robson, in at least [0010] states: "[A] method of managing a project [...] may include steps of defining [...] and storing [...] tasks in a database [...] and remotely accessible over a computer network [...]" and in [0014] states: "[T]he steps required to resolve the Issue [...] may evolve into (or may be modified to include) [...]" (emphasis added) where 'managing a project' and 'defining' corresponds to *modifiable by multiple program manager*] and 'computer network' corresponds to *across a network*. Finally, this applies to a plurality of managers as shown by Robson in at least [0013]: "This ability to insert an Issue into the task hierarchy not only enables project managers to manage [...]" (emphasis added).

With respect to the limitations of **claim 19** not common with those of claims 1–3, 10 or 11, Robson, as shown below describes and/or discloses the following limitations.

- *a database operative to maintain identifying activities* (Robson, in at least [0010] states: "[A] method of managing a project [...] may include steps of defining [...] and storing [...] tasks in a database [...]" (emphasis added) where 'defining' corresponds to *maintain identifying activities* and 'database' corresponds, obviously, to a *database*.)

- *a user interface operative for graphically display* (Robson, in at least [0025] states: "the user accessing the database", hence is *a user interface operative for*. Robson further states in [0011]: "The selectively and remotely accessible graphical representation may be rendered on a Web browser or other suitable interface." (emphasis added) and the 'graphical representation' on a 'Web browser' in conjunction with 'suitable interface' corresponds to the aforementioned *user interface for graphically...*)

Note that with respect to **claim 22**, the only apparent different is the phrase in the preamble *cross program dependencies* and corresponds to the terms in the previous claims pertaining to *interdependencies* in that they are equivalent.

As shown by the teachings of Robson and Pollalis, a great deal of development in project management software systems has occurred over the course of many years (from at least the time of Pollalis' invention). As web-enabled commerce evolved and more complex projects undertaken, a *natural scaling up* of project management software and systems that permit management across traditional IT boundaries was necessary. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of Robson and Pollalis thereby providing the capability of establishing tasks and activities, graphically displaying task interdependencies, storing such data in a database, and giving managers the capability to view and track project developments over larger networks such as the Internet, as these capabilities enable users to have greater information and control over an increasingly complex project management process involving a multitude of projects.

Claim 4:

Robson describes and/or discloses the limitations of claim 3 as shown above. Robson further describes and/or discloses the following limitation.

- *The method of Claim 3 wherein said modification of one of said activities initiates an approval request requiring a response before said modification* (Robson, in at least [0014] states: "[T]o resolve an Issue, the execution of specific steps may be required.

[...]he steps required to resolve the Issue may be such as to require some level of authorization from some level of the project management team. In such a case, the Issue may evolve into (or may be modified to include) a Change Request [...] When and if authorization is obtained to implement the changes [...], the Change Request [] may evolve into (or be replaced by) a Change Order. [that], identifies the changes or steps that have been authorized by the relevant authority to resolve the Issue[...].” (emphasis added) where *modification of [an] activity* is correspondent with ‘execution of specific steps’ along with *approval request* which is correspondent to a ‘change request’ and *requiring a response before said modification* is correspondent with ‘if authorization is obtained’ and ‘authorized by the relevant authority’.)

Claim 5:

Robson describes and/or discloses the limitations of claim 3 as shown above. Robson further describes and/or discloses the following limitation.

- *The method of Claim 3 wherein said modification also transmits an electronic message to managers of programs affected by said modification* (Robson, in at least [0016] states: “The present invention may also advantageously be configured to send a message (such as by email, for example) to the person assigned to any given Task, Issue, Change Request and/or Change Order. The message may be automatically sent via a workflow and Web-based system before the due date of the Task, Issue, Change Request and/or Change Order to remind and/or prompt for changes in the status and estimated completion dates thereof. Automated email-based messaging is highly useful [...]” (emphasis added) where the emphasized text pertaining to ‘email’ corresponds to *an electronic message* and ‘to the person...’ corresponds to *managers of programs* as they are typically responsible for processing ‘change requests’.)

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Claims 6 and 14:

Note that although claims 6 and 14 have different dependencies and, hence different preambles, they have identical scope and so are addressed together. Robson describes and/or discloses the limitations of claims 3 and 11 as shown above. Robson further describes and/or discloses the following limitation.

- *providing fixed-duration scheduling with electronic notification* (Note, see the 35 USC §112, 2nd paragraph rejection above. Robson, in at least [0007] states: "What are needed, therefore, are [...] tools that enable project contributors to dynamically update the project definition and timeline [...] to update the status of their assigned task [...] in a manner that insures that the overall project timeline accurately describes the current status of the entire project [...]." (emphasis added) and in at least [0016] states: "The present invention may also advantageously be configured to send a message (such as by email, for example) [...]." (emphasis added) where the 'project timeline' accounts for tasks with *fixed duration* or 'anticipated' duration (timeline—see Robson at [0005] regarding "anticipated timeline") and is 'dynamically update[d]' via a 'message' sent by 'email' which corresponds to *electronic notification*.)

Claim 12:

Robson/Pollalis describes and/or discloses the limitations of claim 11 as shown above. Robson further describes and/or discloses the following limitation.

- *The system of Claim 11 wherein modification of an activity initiates an approval request, said approval request requiring a response before said electronic schedule is updated with reestablished interdependencies* (Robson, in at least the abstract states: "[T]he Change Request identifies step(s) to be taken pending authorization to resolve the Issue and the Change Order identifies authorized step(s) to do so." (emphasis added) where 'change request' and 'change order' corresponds to *modification of an activity* and 'authorized steps', *ipso facto* requires some approval

response. In [0007], Robson states: "What are needed, therefore, are improved project scheduling tools that enable project contributors to dynamically update the project definition and timeline." (emphasis added) where 'contributors' corresponds to entities initiating an *approval request* and 'dynamically update' and 'project definition and timeline' correspond to *reestablished interdependencies* as new project definitions entail new project dependencies.)

Claim 13:

Robson/Pollalis describes and/or discloses the limitations of claim 11 as shown above. Robson further describes and/or discloses the following limitation.

- *The system of Claim 11 wherein an attempted modification transmits an electronic message to managers of programs affected by said attempted modification* (Robson, in at least [0016] states: "Automated email-based messaging is highly useful when the resolution of one or more Tasks, Issues, Change requests and/or Change Orders depends upon actions of people or organizations that are widely scattered across multiple organizations, countries and/or time zones." (emphasis added) where 'automated email...' corresponds to *an electronic message* and 'resolutions' that 'depends upon actions of people' together corresponds to *managers of programs affected by said attempted modification* because the resolution is *ipso facto* made by those *affected* by change requests or orders.)

Claim 16:

Robson/Pollalis describes and/or discloses the limitations of claim 11 as shown above. Robson further describes and/or discloses the following limitation.

- *said system is a web-based Program Management Application* (Robson, in at least [0024] states: "As shown [...] the Web-enabled application embodying the present invention [...]" (emphasis added).)

Claim 20:

Robson/Pollalis describes and/or discloses the limitations of claim 19 as shown above. Robson further describes and/or discloses the following limitation.

- *said network is The Internet* (Robson, in at least [0011] states: "The computer network may include the Internet [...]" (emphasis added).)

Claim 23:

Robson/Pollalis describes and/or discloses the following limitations.

- *A set of application program interfaces embodied on a computer-readable medium for execution on a computer in conjunction with an application program that manages programs, comprising*
 - *A First Interface that receives First Contingency Data and First Interdependency Data from a First Program* (Robson, in at least the abstract states: "A first dependency relationship may be defined between the tasks." (emphasis added) where the 'dependency relationship' corresponds to *first interdependency data* and 'task' corresponds to a *first program*. Robson, in at least [0011] states: "The selectively and remotely accessible graphical representation may be rendered on a Web browser or other suitable interface." (emphasis added) where the term 'selectively' identifies a particular 'suitable interface', hence, corresponds to a *first interface*.);
 - *A Second Interface that receives Second Contingency Data and Second Interdependency Data from a Second Program* (Robson, in at least the abstract refers to the "definition of second dependency relationship(s) [...]" (emphasis added) where the 'definition' corresponds to *data* pertaining to *second interdependency*. See the references for the previous limitation pertaining to the 'suitable interface'.);
 - *A Third Interface that displays said First Contingency Data, said First Interdependency Data, said Second Contingency Data and Second Interdependency Data in a program schedule wherein a modification of an activity*

in one of said programs is operable to display an effect of said modification to said program schedule (See the rejections of the previous limitations regarding *first (second) interdependency data* and associated *interface[s]*. Robson, in at least [0007]: "What are needed, [], are [...] tools that enable project contributors to dynamically update the project definition and timeline." (emphasis added) where this pertains to the 'modification of activities' and the 'update' of the related 'project definition and timeline' which corresponds to the *program schedule*.)

25. Claims 7, 8, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robson/Pollalis as applied to claims 3 and 11 above, and further in view of Applicant's own prior art.

Claims 7 and 17:

Note that although claims 7 and 17 have different dependencies and, hence different preambles (where, for example, in claim 7 there is an *electronic schedule* and in claim 17 there is a *system*), they have identical scope and so are addressed together. Robson/Pollalis describes and/or discloses the limitations of claims 3 and 11 as shown above. Robson further describes and/or discloses the following limitation.

- *The method of Claim 3 wherein said electronic schedule is operable for managers to raise issues, alert managers of scheduling changes, arrange team meetings, and initiate phase exit reviews* (Robson, in at least the abstract states: "An Issue, a Change Request and/or a Change Order may be remotely defined." (emphasis added) where 'issue' that is 'remotely defined' corresponds to *raise issues*, 'change request' and 'change order' correspond to *scheduling changes*. Robson, in at least [0016] states: "The present invention may [...] be configured to send a message (such as by email, for example) to the person assigned to any given Task, Issue, Change Request and/or Change Order." (emphasis added) where 'send a message' via 'email' corresponds to *electronic schedule [that] is operable* and 'the person

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assigned' to effect a 'change request' corresponds to a *manager* that is *alert[ed]* via email.)

Robson does not specifically refer to *arrange team meetings, and initiate phase exit reviews*, but Applicant, as shown, does. Applicant in at least [0006] of the description of prior art states: "Program management resources include metrics, problem logs, alerts, team meetings, phase exit reviews, and audits." (emphasis added). As shown by the teachings of Robson and Pollalis, a great deal of development in project management software systems has occurred over the course of many years (from at least the time of Pollalis' invention). As web-enabled commerce evolved and more complex projects undertaken, a *natural scaling up* of project management software and systems that permit management across traditional boundaries is evident. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of Robson/Pollalis with Applicant's prior art thereby providing the capability of establishing tasks and activities, graphically displaying task interdependencies, storing such data in a database, and giving managers the capability to view and track project developments and otherwise usefully manage complex projects as these combined inventions enable users with greater information and control over an increasingly complex project management process involving a multitude of projects.

Claims 8 and 15:

Note that although claims 8 and 15 have different dependencies and, hence different preambles, they have identical scope and so are addressed together. Robson/Pollalis describes and/or discloses the limitations of claims 3 and 11 as shown above. Robson/Pollalis do not specifically describe and/or disclose the following limitation, but Applicant's own prior art, as shown, does.

- *displaying problem logs* (Applicant in at least [0006] of the description of prior art states: "Program management resources include metrics, problem logs, alerts, team meetings, phase exit reviews, and audits." (emphasis added).)

As shown by the teachings of Robson and Pollalis, a great deal of development in project management software systems has occurred over the course of many years (from at least the

time of Pollalis' invention). As web-enabled commerce evolved and more complex projects undertaken, a *natural scaling up* of project management software and systems that permit management across traditional boundaries is evident. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of Robson/Pollalis with Applicant's prior art thereby providing the capability of establishing tasks and activities, graphically displaying task interdependencies, storing such data in a database, and giving managers the capability to view and track project developments and otherwise usefully manage complex projects as these combined inventions enable users with greater information and control over an increasingly complex project management process involving a multitude of projects.

26. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robson/Pollalis as applied to claims 3 and 11 above, and further in view of Rosnow (US 7051036 B2).

Claims 9 and 18:

Note that although claims 9 and 18 have different dependencies and, hence different preambles, they have identical scope and so are addressed together. Robson/Pollalis describes and/or discloses the limitations of claims 3 and 11 as shown above. Robson/Pollalis do not specifically describe and/or disclose the following limitation, but Rosnow, as shown, does.

- *said activities comprise phases, tasks, deliverables, and gates* (Rosnow, in at least [0025] refers to "development phases" and "Project data [...] and tasks [...]" (emphasis added). Rosnow, in at least [0039] states: "Some of the task deliverables [...]" (emphasis added). Finally, Rosnow refers to gates in at least [0010]: "The system [...] prompts decision-makers [...] before proceeding further with the project at predetermined gates of the development process." (emphasis added).

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teaching of Robson/Pollalis with those of Rosnow they permit a variety of different types of activities to be encompassed and handled by project management software

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and systems and thereby enable greater application of the systems and methods described in the instant application to complex project management problems.

27. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robson/Pollalis as applied to claim 19 above, and further in view of Abrams (US 7305392 B1).

Claim 21:

Robson/Pollalis describes and/or discloses the limitations of claim 19 as shown above. Robson/Pollalis do not specifically describe and/or disclose the following limitations, but Abrams, as shown, does.

- *said user interface is a JAVA application* (Abrams, in at least [0073] states: "The [...] applications [] may be implemented using conventional hypertext markup languages (HTML), Java, and/or other web related software[s]." (emphasis added) where the noted 'markup languages' are used in a *user interface* and its implementation may be in a *JAVA application* correspondent to *web related software*.)

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of Robson/Pollalis with that of Abrams because, as is widely known, use of Java is platform independent, hence "ports well from one operating system to another" (see Application, [0034]) and thus provides for greater market penetration and wider adoption of the system and methods described.

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Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to Dr. **Mark A. Fleischer** whose telephone number is **571.270.3925**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James A. Reagan** whose telephone number is **571.272.6710** may be contacted.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

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Mark A. Fleischer, Ph.D.

/Mark A Fleischer/

Examiner, Art Unit 4143 21 February 2008

/James A. Reagan/Supervisory Patent Examiner, Art Unit 4143